

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD E. DAUGHERTY,

Defendant.

:

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Case No. 3:17cr26

:

JUDGE WALTER H. RICE

:

DECISION AND ENTRY REDUCING DEFENDANT'S SENTENCE FROM
144 MONTHS IN THE AGGREGATE TO 120 MONTHS IN THE
AGGREGATE, BY REDUCING THE 84 MONTH SENTENCE ON COUNT
ONE TO ONE OF 60 MONTHS; REASONING SET FORTH

On December 20, 2017, the Defendant herein was sentenced to a term of 84 months on Count One and 60 months on Count Two, to be served consecutively to Count One, for an aggregate total of 144 months in custody, subject, of course, to any allowable pre-sentence jail time credit.

At the time of the sentencing, two unresolved issues existed, to wit: whether break-ins at his family's home occurred after his substantial assistance rendered the Government; and the state of his wife's health (she claimed congestive heart failure, while the Court found no such evidence in either the record or the Pre-Sentence Report). The Court directed Defendant's counsel to furnish it with corroborating information on those two remaining issues; the Government specifically and upon the record allowed the Court to reduce Defendant's sentence, following the filing of the Judgment Entry, should either or both of these issues be resolved in

the Defendant's favor. Subsequent to sentencing, Defendant's counsel withdrew his argument on the first issue (the break-ins occurring prior to the substantial assistance). Again, following sentencing, the Defendant's wife submitted evidence to the Court, under date of December 27, 2017, through records from the Cleveland Clinic, that Defendant's wife does indeed suffer from congestive heart failure.

Accordingly, this Court reduces the Defendant's 84-month sentence on Count One of the Indictment to one of 60 months, and leaves unchanged the 60-month sentence to be served consecutively on Count Two. The Defendant's sentence is therefore, reduced from an aggregate sentence of 144 months to one of 120 months.



April 6, 2018

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record